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FACULTY COMMENT

NEW PERSPECTIVES AND CONCEPTIONS IN CONTEMPORARY

PUBLIC INTERNATIONAL LAW Judge T. O. Elias 409

Judge T. O. Elias, Vice President of the International Court of Justice, provides in this article a survey of the major new perspectives and conceptions in international law as a supplement to his 1979 book, *New Horizons in International Law*. Judge Elias concentrates on five main areas: human rights, diplomatic law, the law of the sea, wars of national liberation and humanitarian law, and the legal aspects of the new international economic order. He concludes that many aspects of the international legal order previously characterized by the enumeration of basic principles and goals are now shifting towards the actual development of the legal mechanisms necessary to realize and to implement those goals. He cautions that "[t]he challenge to international law and to international lawyers is to devise legal instruments in such a way that the aspirations and rights of no state or people are promoted at the expense of other states or peoples."

ARTICLE

THE IRAN HOSTAGE CRISIS AND THE INTERNATIONAL

COURT OF JUSTICE: ASPECTS OF THE *Case Concerning United States Diplomatic and Consular Staff*

in Tehran Amir Rafat 425

In this article, Dr. Amir Rafat analyzes the May 1980 decision of the International Court of Justice, the *Case Concerning the United States Diplomatic and Consular Staff in Tehran*. Dr. Rafat first provides a brief factual background of the U.S. claims against Iran, as well as the Court's grant of interim measures of protection on December 15, 1979. Noting that the Court made important contributions to the international law-making process by illuminating and settling certain questions relating to measures of interim protection and to the relationship between international adjudication and the political functions and processes of the United Nations, Dr. Rafat asserts that the decision is "undoubtedly one of the most important cases ever handled by the International Court." The hostage issue was also one of the most politicized cases ever brought before an international tribunal, and its disposition by the Court raised crucial questions about the boundary between law and politics in the world community, and particularly the Court's role as the principal judicial organ of the United Nations in defining and adjudicating that boundary. Dr. Rafat concludes that these contributions, important as they are, do not alter the fact that the Court's role as a dispute-settling institution proved irrelevant to the final resolution of the crisis. But looking beyond its immediate result, the handling of the case by the Court and the political agencies of the United Nations offer creative possibilities for implementing a framework of action for dealing more successfully with future multidimensional crises.

Shore, B.A., J.D.; Gerald D. Sjaastad, B.S., M.S.C.E., Ph.D., J.D.; Harry M. Sterling, B.S., LL.B.; Janice R. Tanquary, B.A., J.D.; Mark A. Vogel, B.B.A., J.D., LL.M., C.P.A.; John Watson, B.S., J.D.; Elizabeth Wills, B.A., J.D.; Michael O. Wirth, B.S., M.A., Ph.D.; Brooke Wunnicke, B.A., LL.B.; James R. Young, B.S.C.E., J.D. Adjunct Lecturers in Judicial Administration: Stephen P. Ehrlich, B.S.B.A., J.D.; Barbara J. Gletne, B.A., M.A.; Maureen M. Solomon, B.A., M.P.A.; Bernard D. Steinberg, B.Mus., J.D.; Daniel R. Vredenburg, B.S., M.S.J.A.

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Other components of the program include the Denver International Law Society, the Myres S. McDougal Distinguished Lecture in International Law and Policy, the annual regional conference of the American Society of International Law, and the Philip C. Jessup International Law Moot Court Competition.

Please address inquiries concerning the program to:

Professor Ved P. Nanda, Director
International Legal Studies Program
University of Denver College of Law
200 West 14th Avenue
Denver, Colorado 80204
Telephone (303) 753-3427

SYMPOSIUM: GLOBAL CLIMATIC CHANGE

INTRODUCTION	<i>Ved P. Nanda</i>	463
THE ATMOSPHERE: CHANGE, POLITICS AND WORLD LAW	<i>Howard J. Taubenfeld</i>	469
A RESOURCE MANAGEMENT APPROACH TO CARBON DIOXIDE DURING THE CENTURY OF TRANSITION	<i>Edith Brown Weiss</i>	487
THE INTERNATIONAL LAW AND POLITICS OF ACID RAIN	<i>Armin Rosencranz</i>	511
OPTIONS FOR PUBLIC CONTROL OF ATMOSPHERIC MANAGEMENT	<i>Ray Jay Davis</i>	523

This collection of articles provides a survey of international climatic change during the last half of this century. Throughout recorded history man has sought to change or at least influence the weather. While the efforts of the last half century to modify weather appear to have produced modest results to date, they have created substantial domestic and international controversy. For example, an operation to control weather in one country may cause harm in another; conversely, a state may feel that modification activities in another nation are causing harm to it. Finally, there is the problem of risk sharing between nations, relating to wind, storm, and other kinds of weather damage. Professor Taubenfeld provides a broad survey of these areas. Dr. Weiss focuses her article on the build up of carbon dioxide. The carbon dioxide problem is foremost a problem in the management of fossil fuels. Since states have sovereign rights in international law to control the exploitation of their natural resources, Professor Weiss advocates the establishment of an international regime to set a global ambient air quality standard for carbon dioxide, and the implementation of emission limitations designed to meet those standards. Dr. Rosencranz focuses on "acid rain," and its major component, sulfur oxide. He concludes that while transboundary air pollution is governed not by international law but by national self interest, that self interest has prompted several governments to attempt to abate the harmful effects of acid rain if only for their own national self interest. Finally, Professor Davis warns of the dangerous environmental effects of unregulated weather modification techniques, and discusses the various local, national, and international legal options available for public control of atmospheric management. He proposes a stepped up program of administrative control of weather modification through regulations requiring project registration, operational permits, and professional licensing. Professor Davis suggests that control strategy relies on the optimal mix of these legal options to secure a favorable atmospheric environment.

STUDENT COMMENT

THE UNITED STATES EXPORT OF BANNED PRODUCTS: LEGAL AND MORAL IMPLICATIONS	<i>Patrick B. Seferovich</i>	537
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The author addresses the question: "Should U.S. manufacturers be allowed to export, without restriction, products which are either banned or strictly controlled domestically?" Despite a growing export trade with Third World countries, often including exports of domestically banned substances, the United States has yet to adopt an export policy which comprehensively ad-

addresses this question. The U.S. government is faced with the task of formulating an export policy which will not only reflect the capability of the importing countries to assess the risk and benefits of these products, but will also be attentive to the needs of these developing countries where the benefits of some products may outweigh the risks involved. Since there are no international agreements or treaties which focus directly on the liability of an exporter of domestically banned substances, the author suggests the implementation of a permit system in which the exporter must obtain a permit from the appropriate federal agency prior to the export of a domestically banned product in order to avoid deceptive practices.

DEVELOPMENTS

ICJ ADVISORY OPINION: 1951 WHO—EGYPT TREATY	561
RISK OF LOSS IN SHIPPING UNDER THE HAMBURG RULES	568
THE SETTLEMENT CLAIMS CASE: <i>Dames & Moore v. Regan</i>	577
<i>Spieß v. C. Itoh & Co. (America), Inc.</i> : ANOTHER CHAPTER IN THE CONTINUING CONFLICT BETWEEN FCN TREATIES AND TITLE VII	585
<i>Union Insurance Society of Canton, Ltd. v. S.S. Elikon</i> —THE CARRIAGE OF GOODS BY SEA ACT AND FORUM SELECTION CLAUSES	593
<i>Eain v. Wilkes</i> : ESTABLISHING THE PARAMETERS OF THE POLITICAL OFFENSE EXCEPTION IN EXTRADITION TREATIES	596

BOOK REVIEW

MULTINATIONAL ENTERPRISES IN THE WEST AND EAST, BY LEON ZURAWICKI	<i>Jeffrey L. Brown</i> 603
--	-----------------------------

BOOK NOTES	609
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